

GIBSON, DUNN & CRUTCHER LLP
MICHAEL SITZMAN (SBN 156667)
msitzman@gibsondunn.com
KEVIN YEH (SBN 314079)
kyeh@gibsondunn.com
DANIEL J. KUO (SBN 302727)
dkuo@gibsondunn.com
JESSICA L. WRIGHT (SBN 301838)
jwright@gibsondunn.com
555 Mission Street
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

XAVIER BECERRA
Attorney General of California
PATRICK R. MCKINNEY
Supervising Deputy Attorney General
WILLIAM P. BURANICH (SBN 144650)
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5744
Fax: (415) 703-5843
E-mail: William.Buranich@doj.ca.gov

*Attorneys for Plaintiff
ENRIQUE DIAZ*

*Attorneys for Defendants
A. TANKERSLEY, S. NUNEZ, R.A. KESSLER, and
P. SULLIVAN*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ENRIQUE DIAZ,
Plaintiff,
v.
R.A. KESSLER, et al.,
Defendant

NO. 5:14-cv-02145-EJD

**STIPULATION AND [PROPOSED] ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE**

Current Deadline: December 21, 2017
Requested Deadline: January 11, 2018

HON. EDWARD J. DAVILA

1 Plaintiff Enrique Diaz (“Diaz”) and Defendants A. Tankersley, S. Nunez, R.A. Kessler, and P.
2 Sullivan (“Defendants”) jointly submit this stipulation and proposed order continuing the Case
3 Management Conference, currently scheduled for December 21, 2017 at 10:00 a.m., to
4 January 11, 2018 at 10:00 a.m. or a date thereafter that is convenient for the Court.

5 WHEREAS, a Case Management Conference is currently scheduled for December 21, 2017;

6 WHEREAS, Plaintiff and Defendants notified this court on December 6, 2017 that they were
7 attempting to negotiate a settlement (Dkt. 80);

8 WHEREAS, the Court granted a stipulation extending the Case Management Conference
9 deadlines on December 6, 2017 (Dkt. 81);

10 WHEREAS, Plaintiff and Defendants have reached an agreement in principle to settle the
11 above-captioned matter; and

12 WHEREAS, Plaintiff and Defendants have exchanged a draft settlement agreement and are
13 working to finalize their settlement in principle; and

14 WHEREAS, Plaintiff and Defendants have agreed to extend the deadline for the Case
15 Management Conference, in the interests of efficiency and to facilitate documentation of the
16 settlement.

17 NOW, THEREFORE, Plaintiff and Defendants, by and through their respective counsel,
18 hereby stipulate to, and request that the Court approve, the following:

19 1. The Case Management Conference shall be continued from December 21, 2017 at
20 10:00 a.m. to January 11, 2018 at 10:00 a.m., or a date thereafter that is convenient for the Court. A
21 Joint Case Management Conference Statement shall be filed no later than January 4, 2018.

22
23 Respectfully Submitted,

24 Dated: December 13, 2017

GIBSON DUNN & CRUTCHER LLP

25
26 By: /s/ JESSICA L. WRIGHT
27 JESSICA L. WRIGHT

28 Attorneys for Plaintiff Enrique Diaz

1 Dated: December 13, 2017

WILLIAM P. BURANICH
Deputy Attorney General

4 By: /s/ WILLIAM P. BURANICH
5 WILLIAM P. BURANICH

6 *Attorneys for Defendants A. Tankersley, S. Nunez, R.A.
7 Kessler, and P. Sullivan*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTORNEY ATTESTATION

Pursuant to Civil Local Rule 5-1, I, Jessica L. Wright, hereby attest that concurrence in the filing of this document has been obtained from William P. Buranich.

DATED: December 13, 2017

By: /s/ JESSICA L. WRIGHT
JESSICA L. WRIGHT

[PROPOSED] ORDER

Based on the foregoing stipulation and good cause being shown, the Court hereby GRANTS the parties' Stipulation. The Court hereby orders as follows:

1. The Case Management Conference is continued from December 21, 2017 at 10:00 a.m. to January 11, 2018 at 10:00 a.m. A Joint Case Management Conference Statement shall be filed no later than January 4, 2018.

PURSUANT TO STIPULATION, IT IS SO ORDERED this 14 day of December, 2017.



Honorable Edward J. Davila
United States District Court Judge